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**Security Council Committee established pursuant to resolution 1718 (2006)**

## Note verbale dated 11 April 2017 from the Permanent Mission of Namibia to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Republic of Namibia to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the pleasure to forward a copy of the report of Namibia on the implementation of Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) and 2321 (2016) (see annex).

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## Annex to the note verbale dated 11 April 2017 from the Permanent Mission of Namibia to the United Nations addressed to the Chair of the Committee

## Report of Namibia on the implementation of Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) and 2321 (2016)

**Optional checklist: measures contained in Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) and 2321 (2016) relevant to Member States' national implementation reports**

| *Have concrete measures, procedures, legislation, regulations or policies been adopted in order to* | *Yes no* | *Indicate measures (in detail)* | *Additional information* | *Remarks* |
|---|---|---|---|---|
| **1. Prevent the direct or indirect supply, sale or transfer to DPRK of:** (Fact sheet, sections I-IV, X, XIII and XIV) | | | | |
| (a) All arms and related materiel? | Yes | See section 27 of the Prevention and Combating of Terrorism and Proliferation Activities Act, No. 4 of 2014. | On 2 December 2016, in Government Gazette No. 6190, the Minister issued the most recent arms embargo in respect of all persons, organizations and countries designated under the sanctions list issued pursuant to resolution 1718 (2006) and its successor resolutions. | |
| (b) Nuclear, ballistic missile or other WMD-related items or technology?[a] | Yes | See section 34 of the Prevention and Combating of Terrorism and Proliferation Activities Act, No. 4 of 2014. | | |

| *Have concrete measures, procedures, legislation, regulations or policies been adopted in order to:* | *Yes, no* | *Indicate measures (in detail)* | *Additional information* | *Remarks* |
|---|---|---|---|---|
| (c) Luxury goods?[b] | Yes | See section 34 of the Prevention and Combating of Terrorism and Proliferation Activities Act, No. 4 of 2014, read with the list of additional items and luxury goods pursuant to resolution 1718 (2006). | | |
| (d) Any item that could contribute to prohibited programmes or activities or the evasion of sanctions? | Yes | See section 34 of the Prevention and Combating of Terrorism and Proliferation Activities Act, No. 4 of 2014, read with the list of prohibited items pursuant to resolution 1718 (2006). | | |
| (e) Prohibited items for repair, servicing, refurbishing, testing, reverse-engineering, and marketing, regardless of whether ownership or control is transferred? | Yes | See section 34 of the Prevention and Combating of Terrorism and Proliferation Activities Act, No. 4 of 2014, read with the list of prohibited items pursuant to resolution 1718 (2006). | | |
| (f) New helicopters and vessels? | Yes | See section 34 of the Prevention and Combating of Terrorism and Proliferation Activities Act, No. 4 of 2014, read with the list of prohibited items pursuant to resolution 1718 (2006). | | |

| *Have concrete measures, procedures, legislation, regulations or policies been adopted in order to* | *Yes/ no* | *Indicate measures (in detail)* | *Additional information* | *Remarks* |
|---|---|---|---|---|
| (g) Aviation fuel, including aviation gasoline, naptha-type jet fuel, kerosene-type jet fuel, and kerosene-type rocket fuel (unless the Committee approves in advance on an exceptional case-by-case basis the transfer to DPRK of such products for verified essential humanitarian needs, subject to arrangement for effective monitoring of delivery and use)? | Yes | See section 34 of the Prevention and Combating of Terrorism and Proliferation Activities Act, No. 4 of 2014, read with the list of prohibited items pursuant to resolution 1718 (2006). | | |
| These measures shall not apply with respect to the sale or supply of aviation fuel to civilian passenger aircraft outside DPRK exclusively for consumption during its flight to DPRK and its return flight. States are called upon to exercise vigilance to ensure that no more fuel is provided to DPRK-flagged civil passenger aircraft than is necessary for the relevant flight, including a standard margin for safety of flight. | | | | |
| **2. Prohibit the procurement from DPRK of:**<br>(Fact sheet, sections I-IV, XI and XII) | | | | |
| (a) All arms and related materiel? | Yes | See section 34 of the Prevention and Combating of Terrorism and Proliferation Activities Act, No. 4 of 2014. | | |
| (b) Nuclear, ballistic missile or other WMD-related items or technology? | Yes | See section 34 of the Prevention and Combating of Terrorism and Proliferation Activities Act, No. 4 of 2014, read with the list of prohibited items pursuant to resolution 1718 (2006). | | |

| *Have concrete measures, procedures, legislation, regulations or policies been adopted in order to* | *Yes/ no* | *(indicate measures (in detail)* | *Additional information* | *Remarks* |
|---|---|---|---|---|
| (c) Any item that could contribute to prohibited programmes or activities or evasion of sanctions? | Yes | See section 34 of the Prevention and Combating of Terrorism and Proliferation Activities Act, No. 4 of 2014, read with the list of prohibited items pursuant to resolution 1718 (2006). | | |
| (d) Prohibited items for repair, servicing, refurbishing, testing, reverse-engineering and marketing, regardless of whether ownership or control is transferred? | Yes | See section 34 of the Prevention and Combating of Terrorism and Proliferation Activities Act, No. 4 of 2014, read with the list of prohibited items pursuant to resolution 1718 (2006). | | |
| (e) Coal, iron, iron ore, gold, titanium ore, vanadium ore and rare earth minerals? | Yes | See section 34 of the Prevention and Combating of Terrorism and Proliferation Activities Act, No. 4 of 2014, read with the list of prohibited items pursuant to resolution 1718 (2006). | | |
| (f) Copper, nickel, silver and zinc? | Yes | See section 34 of the Prevention and Combating of Terrorism and Proliferation Activities Act, No. 4 of 2014, read with the list of prohibited items pursuant to resolution 1718 (2006). | | |

| *Have concrete measures, procedures, legislation, regulations or policies been adopted in order to* | *Yes/no* | *Indicate measures (in detail)* | *Additional information* | *Remarks* |
|---|---|---|---|---|
| (g) Statues (unless approved in advance by the Committee on a case-by-case basis)? | Yes | See section 34 of the Prevention and Combating of Terrorism and Proliferation Activities Act, No. 4 of 2014, read with the list of prohibited items pursuant to resolution 1718 (2006). | | |

These measures shall not apply with respect to:

(i) Coal that the procuring State confirms on the basis of credible information has originated outside DPRK and was transported through DPRK solely for export from the Port of Rajin (Rason), provided that the State notifies the Committee in advance, and such transactions are unrelated to generating revenue for the nuclear or ballistic missile programmes of DPRK or other activities prohibited by the resolutions;

(ii) Total exports to all Member States of coal originating in DPRK that in the aggregate do not exceed 53,495,894 US dollars or 1,000,866 metric tons, whichever is lower, between the date of adoption of resolution 2321 (2016) (30 November 2016) and 31 December 2016, and total exports to all Member States of coal originating in DPRK that in the aggregate do not exceed 400,870,018 US dollars or 7,500,000 metric tons per year, whichever is lower, beginning 1 January 2017, provided that the procurements:

a. Involve no individuals or entities that are associated with the nuclear or ballistic missile programmes of DPRK or other activities prohibited by the resolutions, including designated individuals or entities, individuals or entities acting on their behalf or at their direction, entities owned or controlled by them, directly or indirectly, and individuals or entities assisting in the evasion of sanctions;

b. Are exclusively for livelihood purposes of DPRK nationals and are unrelated to generating revenue for the nuclear or ballistic missile programmes of DPRK or other activities prohibited by the resolutions, and that each Member State that procures coal from DPRK notifies the Committee of the aggregate amount of the volume of such procurement for each month no later than 30 days after the conclusion of that month using the form contained in annex V to resolution 2321 (2016).

| *Have concrete measures, procedures, legislation, regulations or policies been adopted in order to:* | *Yes/no* | *Indicate measures (in detail)* | *Additional information* | *Remarks* |
|---|---|---|---|---|
| (iii) Transactions in iron and iron ore that are determined to be exclusively for livelihood purposes and unrelated to generating revenue for the nuclear or ballistic missile programmes of DPRK or other activities prohibited by the resolutions. | | | | |
| **3. Prevent the transfer to or from DPRK of financial transactions, technical training, advice, services (including brokering or other intermediary services) and assistance related to:** (Fact sheet, section IV) | | | | |
| (a) All arms and related materiel? | Yes | See section 23 of the Prevention and Combating of Terrorism and Proliferation Activities Act, No. 4 of 2014, read with sections 25 and 27 of the same Act. | On 2 December 2016, in Government Gazette No. 6190, the Minister issued the most recent freezing order in respect of all persons, organizations and countries designated under the sanctions list issued pursuant to resolution 1718 (2006) and its successor resolutions. | |
| (b) Nuclear, ballistic missile or other WMD-related items or technology? | Yes | See section 23 of the Prevention and Combating of Terrorism and Proliferation Activities Act, No. 4 of 2014, read with sections 25 and 27 of the same Act. | | |

| *Have concrete measures, procedures, legislation, regulations or policies been adopted in order to:* | *Yes/no* | *Indicate measures (in detail)* | *Additional information* | *Remarks* |
|---|---|---|---|---|
| (c) Any item that could contribute to prohibited programmes or activities or evasion of sanctions? | Yes | See section 23 of the Prevention and Combating of Terrorism and Proliferation Activities Act, No. 4 of 2014, read together with sections 25 and 27 of the same Act. | | |
| (d) Engagement in the hosting of trainers, advisers or other officials for the purpose of military, paramilitary or police-related training? | Yes | See section 23 of the Prevention and Combating of Terrorism and Proliferation Activities Act, No. 4 of 2014, read with sections 25 and 27 of the same Act. | | |
| **4. Prohibit the transfer of any items if a designated individual or entity[1] is the originator, intended recipient or facilitator of the item's transfer; in accordance with its national legal processes, freeze funds, other financial assets and economic resources owned or controlled by, and ensure that none are made available to benefit designated individuals or entities, entities of the Government of DPRK or the Worker's Party of Korea, those acting on their behalf or at their direction and entities owned or controlled by them?**<br>(Fact sheet, sections III and VII) | Yes | See section 23 of the Prevention and Combating of Terrorism and Proliferation Activities Act, No. 4 of 2014, read together with sections 25 and 27 of the same Act. | On 2 December 2016, in Government Gazette No. 6190, the Minister issued the most recent freezing order in respect of all persons, organizations and countries designated under the sanctions list issued pursuant to resolution 1718 (2006) and its successor resolutions. | |

| *Have concrete measures, procedures, legislation, regulations or policies been adopted in order to:* | *Yes/no* | *Indicate measures (in detail)* | *Additional information* | *Remarks* |
|---|---|---|---|---|
| **5. Prevent (restrict) the entry or transit of designated individuals and their family members, any individual acting on behalf of or at the direction of a designated individual or entity, any individual violating the sanctions or assisting in their evasion, members of the Government of DPRK, officials of that Government, and members of the DPRK armed forces if the State determines that such members or officials are associated with the nuclear or ballistic missile programmes of DPRK or other activities prohibited by resolutions?**<br><br>The travel ban does not apply to such individuals and entities when the Committee determines, on a case-by-case basis, that such travel is justified on the grounds of humanitarian need, including religious obligations, or the Committee concludes that an exemption would further the objectives of the resolutions. States can submit requests for exemptions from the travel ban for designated individuals and entities following the instructions set out in the Committee's guidelines.<br><br>Such an individual should be expelled for the purpose of repatriation to DPRK or to the individual's State of nationality, consistent with applicable national and international law, provided that these measures shall not impede the transit of the representative of the Government of DPRK to United Nations Headquarters or other United Nations facilities to conduct United Nations business. These measures shall not apply with respect to a particular individual if:<br><br>• The presence of the individual is required for fulfilment of judicial process;<br><br>• The presence of the individual is required exclusively for medical, safety or other humanitarian purposes;<br><br>• The Committee has determined on a case-by-case basis that the expulsion of the individual would be contrary to the objectives of the resolutions.<br><br>(Fact sheet, sections V and VIII) | Yes | 1. Individuals are listed in the "stop list" of the border control management system.<br><br>2. The border control management system is also interfaced with the I-24/7 system of INTERPOL.<br><br>3. All DPRK passport holders require a visa to enter Namibia. Visa applications are scrutinized to ensure that individuals are not on the list of designated individuals. | | Anyone found to be on the list of designated individuals will be expelled. |

| *Have concrete measures, procedures, legislation, regulations or policies been adopted in order to* | *Yes/ no* | *Indicate measures (in detail)* | *Additional information* | *Remarks* |
|---|---|---|---|---|
| **6. Financial measures:**<br>(Fact sheet, section IX) | | | | |
| (a) Prevent the provision of financial services or the transfer of any financial or other assets or resources, including bulk cash and gold through cash and gold couriers, which could contribute to prohibited programmes or activities of DPRK or to the evasion of sanctions, and exercise enhanced vigilance in this regard? | Yes | The payment system of the Government does not allow payments to prohibited programmes or activities of DPRK. | Payments were made to Mansudae Overseas Projects for construction work before October 2016.<br>One payment was made to subcontractors from Mansudae Overseas Projects through Shikongo Law Chambers, as advised by the Attorney General. | The Attorney General advised non-payment to Mansudae Overseas Projects to ensure compliance with the resolution. |
| (b) Prohibit DPRK banks from opening and operating new branches, subsidiaries or representative offices; establishing new joint ventures; or taking an ownership interest in, establishing or maintaining correspondent relationships with banks within a State's jurisdiction or in its territory, unless such transactions have been approved by the Committee in advance? | Yes | The Bank of Namibia has safeguards in place and there is no DPRK bank in Namibia. | | |
| (c) Prohibit financial institutions from opening representative offices, subsidiaries or banking accounts in DPRK? | Yes | Namibia is not aware of any of its institutions having an account in DPRK. | | Bank transactions will continue to be monitored to detect any possible inflows or outflows to countries such as DPRK. |

| *Have concrete measures, procedures, legislation, regulations or policies been adopted in order to:* | *Yes/ no* | *Indicate measures (in detail)* | *Additional information* | *Remarks* |
|---|---|---|---|---|
| (d) Prohibit States from having representative offices, subsidiaries or banking accounts in DPRK, unless the Committee determines on a case-by-case basis that such offices, subsidiaries or accounts are required for the delivery of humanitarian assistance or the activities of diplomatic missions in DPRK, pursuant to the Vienna Convention on Diplomatic Relations, or the activities of the United Nations, its specialized agencies or related organizations, or for any other purposes consistent with the resolutions? | Yes | Namibia is not aware of any of its institutions having an account in DPRK. | | |
| (e) Prohibit the provision of public and private financial support from within their territories or by persons or entities subject to their jurisdiction for trade with DPRK, except as approved in advance by the Committee on a case-by-case basis? | Yes | Exit and entry points have been manned to detect any trade with DPRK. | | |
| **7. Prevent new commitments for grants, financial assistance or concessional loans to DPRK, except for humanitarian and developmental purposes, or the promotion of denuclearization?** (Fact sheet, section IX(d)) | Yes | Namibia has not provided any loans to DPRK. | | |
| **8. Inspect in the State's territory, including in its airports, seaports and free trade zones, the cargo to or from DPRK, or brokered or facilitated by DPRK or its nationals, or by individuals or entities acting on their behalf, or transported on DPRK flagged vessels or aircraft?** (Fact sheet, section XIV) | Yes | See section 38 of the Prevention and Combating of Terrorism and Proliferation Activities Act, No. 4 of 2014. | | |
| (a) Under certain conditions and with certain exceptions, inspect vessels on the high seas and prohibit the provision of bunkering services to DPRK vessels if the State has information that provides reasonable grounds to believe their cargo contains prohibited items? | Yes | See section 34, paragraphs 3-8, of the Prevention and Combating of Terrorism and Proliferation Activities Act, No. 4 of 2014. | | |
| (b) Prohibit their nationals and those in their territories from leasing or chartering their flagged vessels or aircraft or providing crew services to DPRK? This measure shall apply without exception, unless the Committee gives approval in advance on a case-by-case basis. | Yes | See section 35 of the Prevention and Combating of Terrorism and Proliferation Activities Act, No. 4 of 2014. | | |

| *Have concrete measures, procedures, legislation, regulations or policies been adopted in order to:* | *Yes/no* | *Indicate measures (in detail)* | *Additional information* | *Remarks* |
|---|---|---|---|---|
| (c) Prohibit their nationals from procuring vessel and aircraft crewing services from DPRK? | Yes | See section 35 of the Prevention and Combating of Terrorism and Proliferation Activities Act, No. 4 of 2014. | | |
| (d) Prohibit their nationals, persons subject to their jurisdiction and entities incorporated in their territory or subject to their jurisdiction from registering vessels in DPRK, obtaining authorization for a vessel to use the flag of DPRK, and owning, leasing, operating or providing any vessel classification, certification or associated service or insuring any vessel flagged by DPRK?<br>This measure shall apply without exception, unless the Committee gives approval in advance on a case-by-case basis. | Yes | See section 35 of the Prevention and Combating of Terrorism and Proliferation Activities Act, No. 4 of 2014. | | |
| (e) Prohibit their nationals, persons subject to their jurisdiction and entities incorporated in their territory or subject to their jurisdiction from providing insurance or re-insurance services to vessels owned, controlled or operated, including through illicit means, by DPRK?<br>This measure shall apply without exception, unless the Committee determines on a case-by-case basis that the vessel is engaged in activities exclusively for livelihood purposes which will not be used by DPRK individuals or entities to generate revenue or exclusively for humanitarian purposes. | Yes | See section 4 of the Prevention and Combating of Terrorism and Proliferation Activities Act, No. 4 of 2014. | | |
| (f) De-register any vessel that is owned, controlled or operated by DPRK and prohibit the registration of any such vessel that has been de-registered by another Member State pursuant to paragraph 24 of resolution 2321 (2016)? | Yes | See section 35, paragraph 2, of the Prevention and Combating of Terrorism and Proliferation Activities Act, No. 4 of 2014. | | |
| (g) Deny permission to any aircraft to take off from, land in or overfly Member States' territory unless under the condition of landing for inspection, if the State has information that provides reasonable grounds to believe that the aircraft contains prohibited items, except in the case of an emergency landing? | Yes | See sections 35 and 36 of the Prevention and Combating of Terrorism and Proliferation Activities Act, No. 4 of 2014. | | |

| *Have concrete measures, procedures, legislation, regulations or policies been adopted in order to:* | *Yes, no* | *Indicate measures (in detail)* | *Additional information* | *Remarks* |
|---|---|---|---|---|
| (h) Prohibit the entry into their ports of any vessel if the State has information that provides reasonable grounds to believe the vessel is owned or controlled, directly or indirectly, by a designated individual or entity, or contains cargo the supply, sale, transfer or export of which is prohibited by the resolutions, unless entry is required in the case of emergency or in the case of return to its port of origination, or for inspection, or unless the Committee determines in advance that such entry is required for humanitarian purposes or any other purposes consistent with the objectives of resolution 2270 (2016)? | Yes | See section 35 of the Prevention and Combating of Terrorism and Proliferation Activities Act, No. 4 of 2014. | | |
| **9. Under certain conditions, seize and dispose of prohibited items found during an inspection?**<br>(Fact sheet, section XV) | Yes | See section 34, paragraph 3, subparagraphs (b) and (c), of the Prevention and Combating of Terrorism and Proliferation Activities Act, No. 4 of 2014. | | |
| **10. Prevent the specialized teaching or training of DPRK nationals within their territories or by their nationals of disciplines that could contribute to the prohibited programmes or activities of DPRK?**<br>Suspend scientific and technical cooperation involving persons or groups officially sponsored by or representing DPRK, except for medical exchanges, unless:<br>(i) In the case of scientific or technical cooperation in the fields of nuclear science and technology, aerospace and aeronautical engineering and technology, or advanced manufacturing production techniques and methods, the Committee has determined on a case-by-case basis that a particular activity will not contribute to the proliferation-sensitive nuclear activities or ballistic missile-related programmes of DPRK;<br>(ii) In the case of all other scientific or technical cooperation, the State engaging in scientific or technical cooperation determines that the particular activity will not contribute to the proliferation-sensitive nuclear activities or ballistic missile-related programmes of DPRK and notifies the Committee in advance.<br>(Fact sheet, section VI) | Yes | See section 35 of the Prevention and Combating of Terrorism and Proliferation Activities Act, No. 4 of 2014, read with the list of prohibited items pursuant to resolution 1718 (2006). | | |

(Footnotes on following page)

(Footnotes to annex)

[a] The lists of prohibited nuclear, ballistic missile and other WMD-related items, materials, equipment, goods and technology are available from the website of the Committee: www.un.org/sc/suborg/en/sanctions/1718/materials.

[b] The list of prohibited luxury goods is available from the website of the Committee: www.un.org/sc/suborg/en/sanctions/1718/materials.

[c] The Consolidated United Nations Security Council Sanctions List of entities and individuals subject to asset freezes and/or travel bans is available from the Committee's website: www.un.org/sc/suborg/en/sanctions/un-sc-consolidated-list.